

# Sag Harbor Village Board of Trustees

## Regular Meeting

### ~ Minutes ~

P.O. Box 660  
Sag Harbor, NY 11963  
[www.SagHarborNY.gov](http://www.SagHarborNY.gov)

Sandra L. Schroeder  
(631) 725-0222

Tuesday, July 13, 2010

6:00 PM

Municipal Building

## Flag Salute

Mayor Gilbride brought the meeting to order with a salute to the flag.

Attendee Name	Title	Status	Arrived
Brian Gilbride	Mayor	Present	
Edward Gregory	Trustee	Present	
Timothy Culver	Trustee	Present	
Robby Stein	Trustee	Present	
Bruce Stafford	Trustee	Present	

## I. Local Laws

### Continued Public Hearing

There were four Public Hearings continued from prior meetings of the Board

1. LL amending Chapter 43 (Sewers) in relation to creating a new service area on Main Street to the John Jermain Memorial Library. (continued from 5/11/10 & 6/8/10)

This hearing was opened with a motion made by Trustee Gregory and seconded by Trustee Stein.

Mayor Gilbride asked the Board of Trustees if they had any comments to offer.

Trustee Stein mentioned he would not like to see the law adopted as there were other places in the Village that would be better served by having a sewer system to hook into.

Mayor Gilbride asked the audience if there was any one who would like to make any comments.

Mr. Carl Peterson, member Library board thanked the Board of Trustees for all of their consideration and actions to the Library.

There were no other public comments.

Village Attorney Fred W. Thiele, Jr. suggested closing the public hearing and stated that he would prepare a detailed elaboration of the Trustees position for the August 10th meeting of the Board.

A motion to close was made by Trustee Stein and seconded by Trustee Stafford. All in favor motion so carried.

2. LL amending Chapter 55 (Zoning) and adding a new Chapter 56 (Music Permits) in relation to permitting music as an accessory use in certain commercial establishments within the Village of Sag Harbor (Continued from 5/11/10 & 6/8/10)

The hearing was opened with a motion made by Trustee Stein and seconded by Trustee Gregory.

Mayor Gilbride asked the Trustees for coments:

Trustee Gregory mentioned that the proposed LL does not charge a fee - that we have fees for everyone else that he thought we should set a permit fee of \$100. - also regarding infractions



after the Code Enforcement Officer or Firemarshal has to give a warning for a 1st offense - any other infractions should cause the Village to revoke the permit and start the hearing process.

Chief Fabiano informed the Board that one of the committee members (Tora) had suggested a fee also and that there should be a 2 - season permit one beginning April 1st and then one for the winter months.

Village Attorney Thiele advised that another work session prior to the August meeting was needed. The Village Clerk was given an assignment to set up another committee meeting.

The hearing was adjourned with a motion made by Trustee Gregory and seconded by Trustee Stafford. All in favor motion so carried.

3. LL of 2010 amending Chapter 55 in relation to apartments in accessory structures in the R-20 zoning district (continued from 5/11/10 & 6/8/10)

The motion to open the hearing was made by Trustee Stein and seconded by Trustee Gregory.

Trustee Culver mentioned some of the comments former Mayor Pierce Hance had made at a prior meeting regarding density issues - and how many accessory apartments would be in a particular area.

Trustee Stein Clarified preexisting/non-conforming and mentioned that new structures have to be in compliance - also mentioned a processing fee being set.

Shannon North stated that the accessory apartment proposal would be very helpful to the community.

Sonny Shotland stated that she was very much in favor of the proposed law as she would like to move back to Sag Harbor.

Ted Jeremanko stated that the proposed local law should be made more restrictive (for the neighbors)

Mayor Gilbride explained that the neighbors would certainly be playing a roll in each application. Also added that late fall 2010 the Code Enforcement officer will be going out looking at them (apartments).

Mayor Gilbride also explained that the apartments that are not in compliance with the Village code will have to be made compliant. Added that the code speaks to square footage and homeowners who have been renting have had time to bring the apartments into compliance - or they will have to cease renting them.

Ted Jeremenko had questions about very small lots and prices of structures - as an example he cited 162 Main Street mentioning a one and a half story pool house/garage and also asked if this was allowing wealthier people to take advantage.

Ted Jeremenko then mentioned 3 houses near Sag Harbor Historical house (Main St) - saying one had at least 7 c-of-o's over time - with 1.41 acres. Then mentioned a parcel on Jefferson with .69 acres that currently had 9 c-of-o's - asked if the Board would make it denser.

Trustee Stein explained that the standards had not yet been set but he didn't see 8 apartments going into a house on Jefferson Street.

Trustee Culver explained that the Board does not want to burden certai areas in one block - mentioned that maybe no more then 2 in an area.

Ted Jeremenko told the Board about a house being sold by an Real Estate agent who had told the new owner that the garage could be converted into a cottage.

Mayor Gilbride explained that if it is a garage now the new owner would have a process to go through and that the neighbors would participate in the process. Mentioned that at a recent board meeting a former Mayor spoke and mentioned there are some apartments near him that he wouldn't mind bringing into compliance but he wasn't interested in any more.



Trustee Stein explained that the process was not going to be automatic.

Ted Jeremenko mentioned that he would like to sit on the committee or board that is addressing the proposed law.

Trustee Culver asked Ted Jeremenko to please send in comments - or to email them.

Shannon North asked about a c-of-o for accessory apartments, improvements, and mentioned that these could be for people to utilize - using Fire Department and Ambulance volunteers as example of who we don't want to forget.

Stacy Pennebaker thought the concern was of scale - that we will be innodated if we get ten she thought it would be a lot.

With a motion to continue the public hearing to the August 10th meeting made by Trustee Culver and seconded by Trustee Stafford the Trustees moved on to other business.

**1. Local Law (ID # 1069) Amending Chapter 43 (Sewers)**

Attorney Thiele will compile a detailed elaboration of the Boards position on this Local Law for the August meeting.

<b>RESULT:</b>	<b>TABLED [UNANIMOUS]</b>	<b>Next: 8/10/2010 6:00 PM</b>
<b>MOVER:</b>	Robby Stein, Trustee	
<b>SECONDER:</b>	Bruce Stafford, Trustee	
<b>AYES:</b>	Gilbride, Gregory, Culver, Stein, Stafford	

**2. Local Law (ID # 1075) Amending Chapter 55 (Zoning) and Adding a New Chapter 56 (Music Permits) In Relation to Permitting Music as an Accessory Use in Certain commercial Establishments Within the Village of Sag Harbor**

There will be another committee work session regarding this Local Law prior to the August meeting of the Board of Trustees.

<b>RESULT:</b>	<b>TABLED [UNANIMOUS]</b>	<b>Next: 8/10/2010 6:00 PM</b>
<b>MOVER:</b>	Edward Gregory, Trustee	
<b>SECONDER:</b>	Bruce Stafford, Trustee	
<b>AYES:</b>	Gilbride, Gregory, Culver, Stein, Stafford	

**3. Local Law (ID # 1076) Amending Chapter 55 (Zoning) in Relation to Apartments in Accessory structures in the R-20 Zoning District Within the Village of Sag Harbor**

The hearing on this Local Law will be continued to the August 10th meeting of the Board of Trustees.

<b>RESULT:</b>	<b>TABLED [UNANIMOUS]</b>	<b>Next: 8/10/2010 6:00 PM</b>
<b>MOVER:</b>	Timothy Culver, Trustee	
<b>SECONDER:</b>	Bruce Stafford, Trustee	
<b>AYES:</b>	Gilbride, Gregory, Culver, Stein, Stafford	

**4. Encumbrance Permit Mr. Georgio, 125 Main Street**

This encumbrance permit will be 'held open' until after the applicant is in front of the appropriate board(s) with a complete application.

**RESULT: TABLED [UNANIMOUS]****Next: 8/10/2010 6:00 PM****MOVER:** Brian Gilbride, Mayor**SECONDER:** Edward Gregory, Trustee**AYES:** Gilbride, Gregory, Culver, Stein, Stafford

## Introduction

5. Local Law 2010-7 Amending Chapter 25 (Justice, Village) in Relation to The qualifications for the Office of Village Justice

With a motion made by Trustee Culver and seconded by Trustee Gregory a Local Law of 2010 amending Chapter 25 (Justice, Village) in relation to the qualifications for the office of Village Justice was introduced and scheduled for a public hearing to be held at the August 10th meeting of the Board.

**RESULT: ADOPTED [UNANIMOUS]****MOVER:** Timothy Culver, Trustee**SECONDER:** Edward Gregory, Trustee**AYES:** Gilbride, Gregory, Culver, Stein, Stafford

6. Local Law 2010-8 LL #\_\_\_\_ of 2010, in Relation to Electing a Retirement Incentive Program As authorized by Chapter 105 of the Laws of 2010 For eligible Employees of the Village of Sag Harbor.

With a motion offered by Trustee Culver and seconded by Trustee Stafford a Local Law of 2010, in relation to electing a retirement incentive program as authorized by Chapter 105 of the Laws of 2010 for the eligible employees of the Village of Sag Harbor was introduced and scheduled for a public hearing at the August 10th meeting of the Board of Trustees.

**RESULT: ADOPTED [UNANIMOUS]****MOVER:** Timothy Culver, Bruce Stafford**SECONDER:** Robby Stein, Trustee**AYES:** Gilbride, Gregory, Culver, Stein, Stafford

## Regular Meeting

### II. Minutes Approval

The minutes of the Regular meetin on June 8, 2010 and the Organizational Meeting on July 7, 2010 were approved with a motion offered by Trustee Gregory and seconded by Trustee Culver. All in favor motion so carried.

1. Minutes from June 8, 2010 Regular Meeting

Motion to approve minutes from the Regular Meeting on June 8, 2010.

**RESULT: ADOPTED [UNANIMOUS]****MOVER:** Edward Gregory, Trustee**SECONDER:** Timothy Culver, Trustee**AYES:** Gilbride, Gregory, Culver, Stein, Stafford

2. Minutes from July 7, 2010, Organizational Meeting

Motion to approve minutes from the Organizational Meeting on July 7, 2010.



**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Edward Gregory, Trustee  
**SECONDER:** Timothy Culver, Trustee  
**AYES:** Gilbride, Gregory, Culver, Stein, Stafford

## Old Business

### III. Action Items

Mia Grosjean spoke for Tracy Mitchell (Bay St. Theatre) in support of the upcoming fundraiser, stating that the Theatre was in dire need of funds.

Chief Fabiano asked that the new Code Enforcement guy do something about yard sale signs. Mentioned that we should either raise the permit fees or make people who don't get a permit pay when they get caught.

#### *Correspondence Requiring Action*

#### 1. Add New Member to Sag Harbor Fire Department

Request from Robert Bori, Department Secretary for the Fire Department, to accept Roger King as an Active Probationary member of the Phoenix Hook and Ladder Company and add him to the insurance rolls.

Roger King was accepted as an Active Probationary Member of the Phoenix Hook and Ladder Company.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Robby Stein, Trustee  
**SECONDER:** Timothy Culver, Trustee  
**AYES:** Gilbride, Gregory, Culver, Stein, Stafford

#### 1. Bituminous Road Resurfacing Bid Request

Public Works Supt. James Early requests to advertise bid for 2010-11 bituminous road resurfacing.

Jim Early was approved to advertise for the bid for bituminous road resurfacing.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Edward Gregory, Trustee  
**SECONDER:** Timothy Culver, Trustee  
**AYES:** Gilbride, Gregory, Culver, Stein, Stafford

#### 2. Use of Fire Headquarters for Special Events

Robert Bori, Department Secretary for the Fire Department, requests permission to allow members to be able to use Fire Headquarters for special events as determined by the Board of Wardens.

The Trustees reviewed correspondence from Robert Bori, Department Secretary for the Fire Department to have permission to allow members to be able to use Fire Headquarters for special events as determined by the Board of Wardens. The department will receive a letter listing questions and concerns that the Wardens have to address and the approval was given contingent on receiving all detailed information requested.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Bruce Stafford, Trustee  
**SECONDER:** Edward Gregory, Trustee  
**AYES:** Gilbride, Gregory, Culver, Stein, Stafford

#### 3. Ambulance Corp. Bid Award Approval



Approval to award Ambulance Corp. equipment and supply bid.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Edward Gregory, Trustee  
**SECONDER:** Robby Stein, Trustee  
**AYES:** Gilbride, Gregory, Culver, Stein, Stafford

4. Special Event Permit - Right to Play and Urban Zen Foundation

Bettina Stelle on behalf of Right to Play and Urban Zen Foundation requests approval to use the grassy area opposite Breakwater Yacht Club on August 14, 2010, from 2:00 - 6:00 p.m. to raise awareness of the organizations.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Edward Gregory, Trustee  
**SECONDER:** Robby Stein, Trustee  
**AYES:** Gilbride, Gregory, Culver, Stein, Stafford

5. NYS Energy Efficiency and Conservation Block Grant Agreement

Authorization for Mayor Gilbride to sign the NYS Energy Efficiency and Conservation Block Grant Agreement. (Reviewed and approved by Village Attorney)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Edward Gregory, Trustee  
**SECONDER:** Timothy Culver, Trustee  
**AYES:** Gilbride, Gregory, Culver, Stein, Stafford

6. Authorization to Hire Part-Time/Seasonal Code Enforcement Officer

Authorization to hire Michael Reid for part-time/seasonal position of Code Enforcement Officer at a rate of \$19.00 per hour.

Michael Reid was hired at a rate of \$19.00/hour.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Bruce Stafford, Trustee  
**SECONDER:** Edward Gregory, Trustee  
**AYES:** Gilbride, Gregory, Culver, Stein, Stafford

7. Dept. of Public Works Bid Awards

James Early, Supt. of Public Works, requests permission to award bid for bucket truck and stump grinding to Ray Smith & Assocs. and bid for stump grinding to Davey Tree.

The awards were to Ray Smith & Associates and Davey Tree.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Timothy Culver, Trustee  
**SECONDER:** Edward Gregory, Trustee  
**AYES:** Gilbride, Gregory, Culver, Stein, Stafford

8. Wounded Warrior Project Banner Request

Wounded Warrior Project requests permission to hang a banner at the end of Main Street/Route 114 from July 14th to July 24th, 2010 to advertise their Soldier Bicycling/Walk/Run Event.





**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Bruce Stafford, Trustee  
**SECONDER:** Edward Gregory, Trustee  
**AYES:** Gilbride, Gregory, Culver, Stein, Stafford

9. Authorization to Hire Dock Personnel

Robert Bori, Harbormaster, requests authorization to hire dock personnel as needed.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Bruce Stafford, Trustee  
**SECONDER:** Edward Gregory, Trustee  
**AYES:** Gilbride, Gregory, Culver, Stein, Stafford

10. Girl Scouts at Marine Park During Aug. Concerts

Cheryl Rozzi on behalf of Sag Harbor Girl Scouts requests permission to sell hot dogs, soda, water, candy & chips at Marine Park on August 5th, 15th, 19thth and 26th from 6:00 - 9:00 p.m. during the Chamber of Commerce Concerts to raise money for the Girl Scouts.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Timothy Culver, Trustee  
**SECONDER:** Bruce Stafford, Trustee  
**AYES:** Gilbride, Gregory, Culver, Stein, Stafford

## Correspondence for Review

### Department/Committee Reports

*Tr. Stein - Sewer Treatment Plant/Park Board*

*Tr. Culver - Building Department/Code Enforcement/Litigation*

*Tr. Gregory - Ambulance Corps.*

*Tr. Stafford - Harbors/Docks/Fire Department*

*Mayor Gilbride - Police Dept./Public Works*

Motion to accept Department Reports

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Timothy Culver, Trustee  
**SECONDER:** Edward Gregory, Trustee  
**AYES:** Gilbride, Gregory, Culver, Stein, Stafford

## Approve the Payment of Bills

11. Approve payment of bills for warrant #4 in the amount of \$ 92,720.02 and warrant #10 in the amount of \$59,772.57.

The payment of bills presented in warrant #4 (92,720.02 and warrant #10 (59772.57) were approved with a motion made by Trustee Stafford and seconded by Trustee Gregory. All in favor motion so carried.

## Public Comments

15 minute public session - input for comments and questions (limit two minutes per speaker)

Batina Settle spoke to tell the Trustees that she appreciates their support in allowing her event to



be held at the property where the Farmers' market sets up.

Trustee Robby Stein showed a photo of the Villages new web site.

At 7:14 pm with a motion offered by Trustee Culver and seconded by Trustee Gregory the Board of Trustees entered into executive session to discuss litigation.

At 7:36 pm with a motion offered by Trustee Culver and seconded by Trustee Stein the Trustees ended the executive session and regular meeting for the month of July.

Sandra L. Schroeder  
Clerk-Administrator

(tape on file)